

2790.8. Existing Subdivision Interest Disclosure

(a) An applicant for a public report for the sale or lease of an existing subdivision interest shall include an Existing Subdivision Interest Disclosure Statement with the public report application.

(b) The Existing Subdivision Interest Disclosure Statement shall be completed and provided by the Subdivider/Seller (Seller) to each buyer as soon as practicable before the transfer of title.

(c) If any Existing Subdivision Interest Disclosure required by this Section is delivered after the execution of an offer to purchase, the buyer shall have three days after delivery in person or five days after delivery by deposit in the mail, to terminate the purchase agreement by delivery of a written notice of termination to the Seller.

(d) The Seller is obligated to disclose information in the Existing Subdivision Interest Disclosure based on Seller's actual knowledge, after making a reasonable effort to obtain such information, whether derived from Seller's own investigation and inspection of the Existing Subdivision Interest or from written reports prepared by third parties retained by Seller to perform inspections.

(e) The Seller shall amend any information in an Existing Subdivision Interest Disclosure after the Disclosure is provided to the buyer, if the information in the Disclosure is or becomes materially inaccurate and the Seller has actual knowledge of the inaccuracy. The Seller is otherwise not required to amend the Disclosure once it has been provided to the Buyer. A buyer shall have the right to terminate a purchase agreement based on an amended Disclosure if the amended Disclosure shows that the original Disclosure was inaccurate or has become inaccurate in any material respect. Buyer shall have three days after delivery in person or five days after delivery by deposit in the mail of the amended Disclosure to terminate the purchase agreement by delivery of a written notice of termination to the Seller.

(f) The term "Existing Subdivision Interest" as used in this section is a subdivision interest described in Section 11004.5 of the Code where the dwelling comprising the subdivision interest has been completed (completion is normally the date on which a Notice of Completion has been recorded evidencing completion of the improvement) or occupied (the occupancy of the improvements is normally the date shown by the issuance of a Certificate of Occupancy or equivalent issued by the local jurisdiction), whichever occurs first, three (3) years or more before the date that the public report application is filed with the Department.

NOTE: Authority cited: Section 11001, Business and Professions Code. Reference: Sections 10050 and 11010, Business and Professions Code.

2790.9. Existing Subdivision Interest Disclosure Form

The form approved by the Commissioner for the disclosure of Existing Subdivision Interest information is as follows:

EXISTING SUBDIVISION INTEREST DISCLOSURE STATEMENT

THIS EXISTING SUBDIVISION INTEREST DISCLOSURE STATEMENT (THIS “DISCLOSURE STATEMENT”) CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF _____, COUNTY OF _____, STATE OF CALIFORNIA, DESCRIBED AS _____ (THE “EXISTING SUBDIVISION INTEREST”). THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE EXISTING SUBDIVISION INTEREST AS OF (date) _____, 20____, WITHIN THE SELLER’S ACTUAL KNOWLEDGE. IT IS NOT A REPRESENTATION OR WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE BUYER(S) MAY WISH TO OBTAIN.

**I. COORDINATION WITH OTHER DISCLOSURE FORMS
AND EXISTING REPORTS**

All parties acknowledge that the real property being purchased is a lot, condominium unit or other interest in the Existing Subdivision Interest (the “Property”) and the Seller hereby discloses to the Buyer in this transaction that the following inspection reports, if any, regarding the Property were completed and are or have been in the possession of the Seller:

<u>Description/type</u>	<u>Vendor (by)</u>	<u>Date on Report</u>
<u>1.</u>		
<u>2.</u>		
<u>3.</u>		
<u>4.</u>		
<u>5.</u>		
<u>6.</u>		
<u>7.</u>		
<u>8.</u>		

Buyer may request a copy of any of the reports listed above in writing within 5 days after receipt of this Disclosure Statement.

The following disclosures and other disclosures required by law, applicable to the condition of the Property, have or will be made in connection with this real estate transfer, and shall satisfy the disclosure obligations on this form, where the subject matter is the same.

☐ Inspection reports completed pursuant to the contract of sale or receipt for deposit.

☐ Additional inspection reports or disclosures:

The disclosures and reports identified in this Section are collectively called the “Existing Disclosures.”

II. SELLER’S INFORMATION

The Seller discloses the following information with the knowledge that this is not a representation or warranty. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the Property.

The information disclosed in this Disclosure Statement is limited to information which Seller actually knows, based on reasonable efforts to obtain such information. The phrases “Seller’s knowledge” and “Seller’s awareness” when used herein, are limited accordingly.

THE FOLLOWING ARE DISCLOSURES MADE BY THE SELLER AND ARE NOT THE DISCLOSURES OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

Seller or Seller’s tenant ☐ is ☐ is not occupying the Property.

A. The Property has the items checked below (read across):

<input type="checkbox"/> <u>Range</u>	<input type="checkbox"/> <u>Oven</u>	<input type="checkbox"/> <u>Microwave</u>
<input type="checkbox"/> <u>Dishwasher</u>	<input type="checkbox"/> <u>Trash Compactor</u>	<input type="checkbox"/> <u>Garbage Disposal</u>
<input type="checkbox"/> <u>Washer/Dryer Hookups</u>	<input type="checkbox"/> <u>Rain Gutters</u>	<input type="checkbox"/> <u>Burglar Alarms</u>
<input type="checkbox"/> <u>Smoke Detector(s)</u>	<input type="checkbox"/> <u>Fire Alarm</u>	<input type="checkbox"/> <u>TV Antenna</u>
<input type="checkbox"/> <u>Satellite Dish</u>	<input type="checkbox"/> <u>Intercom</u>	<input type="checkbox"/> <u>Central Heating</u>
<input type="checkbox"/> <u>Central Air Cndtng.</u>	<input type="checkbox"/> <u>Evaporator Cooler(s)</u>	<input type="checkbox"/> <u>Wall/Window Air Cndtng.</u>
<input type="checkbox"/> <u>Sprinklers</u>	<input type="checkbox"/> <u>Public Sewer System</u>	<input type="checkbox"/> <u>Septic Tank</u>
<input type="checkbox"/> <u>Sump Pump</u>	<input type="checkbox"/> <u>Water Softener</u>	<input type="checkbox"/> <u>Patio/Decking</u>
<input type="checkbox"/> <u>Built-in Barbecue</u>	<input type="checkbox"/> <u>Gazebo</u>	<input type="checkbox"/> <u>Sauna</u>
<input type="checkbox"/> <u>Hot Tub</u> <input type="checkbox"/> <u>Locking</u>	<input type="checkbox"/> <u>Pool</u> <input type="checkbox"/> <u>Child</u>	<input type="checkbox"/> <u>Spa</u> <input type="checkbox"/> <u>Locking</u>
<u>Safety Cover*</u>	<u>Resistant</u>	<u>Safety Cover*</u>
	<u>Barrier*</u>	

☐ Security Gate(s) ☐ Automatic Garage Door Opener(s) ☐ Number Remote Controls
 Garage: ☐ Attached ☐ Not Attached ☐ Carport
 Pool/Spa Heater: ☐ Gas ☐ Solar ☐ Electric
 Water Heater: ☐ Gas ☐ Water Heater: Anchored, Braced, or Strapped* ☐ Private Utility or Other _____
 Water Supply: ☐ City ☐ Well
 Gas Supply: ☐ Utility ☐ Bottled
☐ Window Screen ☐ Window Security Bars ☐ Quick Release Mechanism on Bedroom Windows*

Exhaust Fans(s) in _____
 220 Volt Wiring in _____
 Fireplace(s) in _____
☐ Gas Starter ☐ Roof(s): Type: _____
 Age: (approx.) _____
☐ Other _____

To Seller's actual knowledge, are any of the above not in operating condition?

☐ Yes ☐ No. If yes, then describe.

(Attach additional sheets if necessary):

B. To Seller's actual knowledge, are there any significant defects/malfunctions in any of the following?

☐ Yes ☐ No. If yes, check appropriate space(s) below.

☐ Interior Walls ☐ Ceilings ☐ Floors
☐ Exterior Walls ☐ Insulation ☐ Roofs(s)
☐ Windows ☐ Doors ☐ Foundation
☐ Slab(s) ☐ Driveways ☐ Sidewalks
☐ Walls/Fences ☐ Electrical Systems ☐ Plumbings/Sewers/Septics

☐ Other Structural components

(Describe:

If any of the above is checked, explain (attach additional sheets if necessary):

* The garage door opener or child resistant pool barrier may not be in compliance with the safety standards relating to automatic reversing devices as set forth in Chapter 12.5 (commencing with Section 19890) of Part 3 of Division 13 of, or with the pool safety standards of Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104 of, the Health and Safety Code. The water heater may not be anchored, braced, or strapped in accordance with Section 19211 of the Health and Safety Code. Window security bars may not have quick-release mechanisms in compliance with the 1995 edition of the California Building Standards Code.

C. Does Seller have actual knowledge of any of the following:

<u>1. Substances, materials or products which may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks, and contaminated soil or water on the subject property.</u>	<u>Yes</u>	<u>No</u>
<u>2. Features of the property shared in common with adjoining landowners, such as walls, fences, and driveways, whose use or responsibility for maintenance may have an effect on the subject property</u>	<u>Yes</u>	<u>No</u>
<u>3. Any encroachments, easements or similar matters that may affect your interest in the subject property</u>	<u>Yes</u>	<u>No</u>
<u>4. Room additions, structural modifications, or other alterations or repairs made without necessary permits</u>	<u>Yes</u>	<u>No</u>
<u>5. Room additions, structural modifications, or other alterations or repairs not in compliance with building codes</u>	<u>Yes</u>	<u>No</u>
<u>6. Fill (compacted or otherwise) on the property or any portion thereof</u>	<u>Yes</u>	<u>No</u>
<u>7. Any settling from any cause, or slippage, sliding, or other soil problems</u>	<u>Yes</u>	<u>No</u>
<u>8. Flooding, drainage or grading problems</u>	<u>Yes</u>	<u>No</u>
<u>9. Major damage to the property or any of the structures from fire, earthquake, floods, or landslides.....</u>	<u>Yes</u>	<u>No</u>
<u>10. Any zoning violations, nonconforming uses, violations of "setback" requirements</u>	<u>Yes</u>	<u>No</u>
<u>11. Neighborhood noise problems or other nuisances.....</u>	<u>Yes</u>	<u>No</u>
<u>12. CC&Rs or other deed restrictions or obligations</u>	<u>Yes</u>	<u>No</u>

<u>13. Homeowners' Association which has any authority over the subject property</u>	<u>Yes</u>	<u>No</u>
<u>14. Any "common area" (facilities such as pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)</u>	<u>Yes</u>	<u>No</u>
<u>15. Any notices of abatement or citations against the property.....</u>	<u>Yes</u>	<u>No</u>
<u>16. Any lawsuits by or against the Seller threatening to or affecting this real property, including any lawsuits alleging a defect or deficiency in this real property or "common areas" (facilities such as pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)</u>	<u>Yes</u>	<u>No</u>

If the answer to any of these is yes and they are not included in the preliminary title report, explain. (Attach additional sheets if necessary.)

The information herein is true and correct to the Seller's actual knowledge, as of the date signed by the Seller or Seller's representative.

Seller _____

Date _____

BUYER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTION/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

BUYER _____ DATE _____

BUYER _____ DATE _____

NOTE: Authority cited: Section 11001, Business and Professions Code. Reference: Sections 10050 and 11010, Business and Professions Code.